

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

DEBRA SPERO, as Natural Mother of
V.S., an infant,

Plaintiff,

-against-

DECLARATION OF WILLA PAYNE
Civil Action No.: 3:17-CV-7 (GTS-DEP)

**VESTAL CENTRAL SCHOOL DISTRICT
BOARD OF EDUCATION, VESTAL CENTRAL SCHOOL
DISTRICT, JEFFREY AHEARN**, Superintendent of Schools,
ALBERT A. PENNA, Interim Principal Vestal
High School, **DEBORAH CADDICK and CLIFFORD
KASSON**, in their Individual and Official capacities.

Defendants.

WILLA PAYNE, pursuant to 28 U.S.C. § 1746, declares the following under penalty of perjury:

1. I am an attorney at Legal Services of Central New York, Inc. (LSCNY), counsel for Plaintiffs Debra Spero and her minor child V.S. in this matter. As such, I am fully familiar with the facts and circumstances of this proceeding.
2. I make this declaration in support of Plaintiffs' opposition to Defendants' motion for summary judgement and judgment on the pleadings. Attached to this declaration are documents referenced in plaintiffs' memorandum of law and other relevant documents. Any redactions to the attached documents were made to protect the privacy of minors pursuant to Local Rule 8.1.
3. Attached hereto as Exhibit A is a true and correct copy of the declaration of Plaintiff V.S., in opposition to Defendants motion sworn to on May 3, 2017.
4. Attached hereto as Exhibit B is a true and correct copy of the Snapchat video posted by V.S. (filed under seal separately)

5. Attached hereto as Exhibit C is a true and correct copy of an email from School Resource Officer (SRO) Conor Talbut to the Defendants dated 12/8/2016.
6. Attached hereto as Exhibit D is a true and correct copy of notes, upon information and belief that were taken on December 8, 2017 by Defendant Caddick of a conversation between Defendant Penna and Mr. Spero and Brittany Spero.
7. Attached hereto as Exhibit E is a true and correct copy of the transcript dated January 25, 2017 from the Superintendent's Hearing held on that date.
8. Attached hereto as Exhibit F is a true and correct copy of the Vestal Police Department Incident Report of 12/8/2016 and printed on 12/14/2016 written by SRO Conor Talbut.
9. Attached hereto as Exhibit G is a true and correct copy of notes, upon information and belief taken by Defendant Caddick of a meeting between Defendants on 12/8/2016
10. Attached hereto as Exhibit H is a true and correct copy of the 12/9/16 suspension letter from Defendant Penna.
11. Attached as Exhibit I is a true and correct copy of notes taken by Defendant Penna on 12/9/2016 after he had suspended V.S. at 12:44 on 12/8/16.
12. Attached hereto as Exhibit J is a true and correct copy of the Notice of Superintendent's Hearing dated 12/14/2016.
13. Attached hereto as Exhibit K is a true and correct copy of the Superintendent hearing transcript dated 1/25/2017 pg 65, statement of District Counsel Wendy Dewind.
14. Attached hereto as Exhibit L is a true and correct copy of the Contract allowing Plaintiff to attend school while the Superintendent's hearing was pending between Plaintiff V.S. and Defendant Ahearn dated January 4, 2017.

15. Attached hereto as Exhibit M is a true and correct copy of the Hearing Officer's Recommendations dated February 3, 2017.
16. Attached hereto as Exhibit N is a true and correct copy of the Superintendent's Decision dated February 7, 2017.
17. Attached hereto as Exhibit O is a true and correct copy of the letter from the Vestal Board of Education upholding the Superintendent's suspension dated March 14, 2017.
18. Attached hereto as Exhibit P is a true and correct copy of the Letter from Commissioner dated April 21, 2017 denying Plaintiff's request for a Stay Order.
19. Attached hereto as Exhibit Q is a true and correct copy of Decision from Commissioner dismissing the Plaintiff's appeal until such time as this matter is disposed of.
20. Attached hereto as Exhibit R is a true and correct copy of photos of Caucasian Vestal High School students holding and displaying guns that were posted on Instagram and presented to the District in the 3214 Superintendent's hearing.
21. Attached hereto as Exhibit S are the questions posed by the district and the answers given in written format by some of the students in V.S.'s math class wherein they identify that minority students were all seated together in the back of the classroom.
22. Attached hereto as Exhibit T is the sign in sheet for the Assistant Principals Office on November 22, 2016 wherein V.S. signed in approximately two minutes after the student who was previously sent out of Katherine Dyer's classroom.
23. Attached hereto as Exhibit U is Ms. Dyer's official account of the incident on November 22, 2016 as submitted to defendant Caddick and defendant Kasson showing that she alleges she sent V.S. out of the classroom 10-15 minutes after the prior African American student.

24. Attached hereto as Exhibit V is the Declaration of student K.M., dated May 17, 2017.

25. Attached hereto as Exhibit W is a true and correct copy of an email sent from Vestal High School to the hearing officer outside of the hearing context and not to either the Spero's attorney or the Spero family.

26. Attached hereto as Exhibit X is a true and correct copy of the Declaration of Debra Spero sworn to on May 3, 2017.

Date: 12/1/17

Respectfully Submitted:

____S/Willa S. Payne_____
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